

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Civil Action No. 90-229E
)	
v.)	District Judge Susan Paradise Baxter
)	
ROBERT BRACE, et al.,)	
)	
Defendants.)	

ORDER

Pending before the Court in the above-captioned matter is the United States’ Motion to Exclude Inauthentic and Undisclosed Exhibits (ECF No. [233]). The subject exhibits were filed by Defendants in relation to the following three motions: (i) Plaintiff’s Second Motion to Enforce Consent Decree (ECF No. 206); (ii) Defendants’ Motion to Vacate Consent Decree and to Deny Stipulated Penalties (ECF No. [215]); and (iii) Defendants’ Motion for Relief from Judgment Based on Extraordinary Circumstances (ECF No. [220]) (collectively, the “Consent Decree Motions”). By Order entered this same date, the undersigned dismissed the Consent Decree Motions without prejudice and allowed the parties to refile them in accordance with specific deadlines. (*See* ECF No. [263].) It follows that the challenged exhibits are not presently before the Court -- and may never be, unless Defendants choose to utilize them once again in their forthcoming submissions.

Accordingly, IT IS HEREBY ORDERED this 7th Day of December, 2018, that the United States’ Motion to Exclude Inauthentic and Undisclosed Exhibits (ECF No. [233]) is DISMISSED as moot. The dismissal is without prejudice, and Plaintiff may reassert its motion to exclude the challenged exhibits if warranted based upon the Defendants’ future filings.

/s/ Susan Paradise Baxter

SUSAN PARADISE BAXTER
United States District Judge